

SERVICE DATE - JULY 21, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Finance Docket No. 34462

MVC TRANSPORTATION, LLC – ACQUISITION EXEMPTION –
P&LE PROPERTIES, INC.

Decided: July 20, 2004

By notice filed on April 8, 2004, and served and published in the Federal Register on April 29, 2004 (69 FR 23557), MVC Transportation, LLC (MVC) invoked the Board's class exemption at 49 CFR 1150.31 to acquire from P&LE Properties, Inc. what MVC describes as approximately 15 miles of rail lines located in Allegheny County, PA. MVC states that these rail lines are the track facilities of the former Pittsburgh and Lake Erie Railroad Company's McKees Rocks Yard.

On June 24, 2004, Proline Railroad Track Co. (Proline) filed a petition asking the Board to revoke the exemption.¹ By motion filed on July 19, 2004, MVC requests that the Board extend the July 14 deadline for filing its reply to Proline's petition to revoke the exemption by either 7 or 10 days. MVC states that, because its principal officer has been ill and in the hospital, it could not timely file its reply.

MVC has shown good cause for its extension request, and the Board will extend until July 26, 2004, the due date for MVC's reply.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The deadline for MVC to file its reply to Proline's petition to revoke is extended to July 26, 2004.

¹ Also on June 24, 2004, Proline filed a reply in a related proceeding, STB Finance Docket No. 34462 (Sub-No. 1). That proceeding involves a petition filed by MVC seeking an expedited declaratory order stating that claims by Proline filed in the Common Pleas Court of Allegheny County, PA (Court), challenging MVC's acquisition of the McKees Rocks Yard, constitute a collateral attack on Board jurisdiction and that the Court is without jurisdiction to render the relief sought by Proline.

2. This decision is effective on the service date.

By the Board, Vernon A. Williams, Secretary.

Vernon A. Williams
Secretary